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UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF WASHINGTON
 AT SEATTLE

CITIZENS FOR CLEAN AIR, a project of)	Case No. 2:18-cv-01803-TSZ
ALASKA COMMUNITY ACTION ON TOXICS,)	
and SIERRA CLUB,)	
)	JOINT MOTION TO ENTER
Plaintiffs,)	CONSENT DECREES

v.

ANDREW WHEELER, in his official capacity as
 Administrator of the United States Environmental
 Protection Agency, and CHRIS HLADICK, in his
 official capacity as Regional Administrator of the
 United States Environmental Protection Agency
 Region 10,

Defendants.

STATE OF ALASKA

Defendant-Intervenor.

JOINT MOT. TO ENTER CONSENT DECREES
 (Case No. 2:18-cv-01803)

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1 Plaintiffs Citizens for Clean Air, Alaska Community Action on Toxics, and Sierra Club
 2 (“Plaintiffs”); Defendants Andrew Wheeler, in his official capacity as Administrator of the EPA,
 3 and Chris Hladick, in his official capacity as Regional Administrator of EPA Region 10
 4 (“Defendants” or “EPA”); and Defendant-Intervenor State of Alaska hereby move the Court to enter
 5 the consent decrees filed as Exhibit A and Exhibit B to this motion. The consent decrees contain the
 6 terms of proposed settlement of this action between Plaintiffs and EPA, *see* Ex. A, and between
 7 Plaintiffs and the State of Alaska, *see* Ex. B. In support of this request, the Parties state as follows:

8 1. On December 14, 2018, Plaintiffs filed a complaint alleging that EPA failed to take
 9 timely final action to determine whether the State of Alaska had made an administratively complete
 10 Serious area nonattainment plan submission (“SIP submission”) for the Fairbanks North Star
 11 Borough area, which is designated nonattainment for the 2006 fine particle matter (“PM-2.5”)
 12 National Ambient Air Quality Standard (“NAAQS”), and which was reclassified by operation of
 13 law from a “Moderate” to a “Serious” nonattainment area, effective June 9, 2017. *See* Dkt. 1.

14 2. Plaintiffs and Defendants proposed to settle the claim through a consent decree
 15 establishing a deadline for EPA to determine whether the State of Alaska had made an
 16 administratively complete SIP submission. *See* Proposed Consent Decree, Clean Air Act Citizen
 17 Suit, 84 Fed. Reg. 25,803, 25,803 (June 4, 2019). As required by section 113(g) of the Clean Air
 18 Act, 42 U.S.C. § 7413(g), EPA published notice of the proposed consent decree in the Federal
 19 Register on June 4, 2019, and provided a reasonable opportunity (thirty days) for interested persons
 20 to comment upon the Consent Decree before the United States consented to its entry. *Id.*

21 3. The State of Alaska moved to intervene in this case on June 12, 2019, Dkt. 22, and
 22 the Court granted the motion on July 16, 2019, Dkt. 28.

23 4. The Parties, through their authorized representatives and without any admission of
 24

any issues of fact or law, or waiver of any factual or legal claim or defense, have now reached a settlement of Plaintiffs' claims that they consider to be a fair, adequate, and equitable resolution. That settlement is reflected in the separate consent decrees applicable to Plaintiffs and EPA ("EPA Consent Decree"), Ex. A, and to Plaintiffs and the State of Alaska, Ex. B ("State of Alaska Consent Decree"). The Parties' settlement agreement is predicated on the Court's entry of both the EPA Consent Decree and the State of Alaska Consent Decree.

5. The EPA Consent Decree is identical to the proposed consent decree published in the Federal Register on June 4, 2019, 84 Fed. Reg. at 25,803, except that it sets a deadline of January 15, 2020, rather than July 8, 2019, for EPA to sign a notice of final rulemaking determining whether the State of Alaska has made an administratively complete Serious area nonattainment plan SIP submission. Ex. A at 3, ¶ 1. The Parties agree that the previous publication and notice and comment period satisfy the requirements of section 113(g) of the CAA, 42 U.S.C. § 7413(g).

6. The State of Alaska Consent Decree provides that the State of Alaska shall submit a Serious SIP submission to EPA no later than December 15, 2019. Ex. B at 2, ¶ 1.

7. The Parties agree that resolution of this matter without further litigation is in the best interests of the Parties and the public, and that entry of both the proposed EPA Consent Decree and State of Alaska Consent Decree is the most appropriate means of resolving this action. Good cause exists to grant this motion because the terms of the proposed consent decrees are fair, adequate, reasonable, and will conserve the parties' and the Court's resources.

The Parties therefore respectfully move the Court to sign and enter the proposed EPA Consent Decree, Ex. A, and the proposed State of Alaska Consent Decree, Ex. B.

Respectfully submitted this 11th day of October, 2019.

s/ Jeremy C. Lieb

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16 *Attorneys for Defendant-Intervenor*
17 *State of Alaska*

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2019, I electronically filed the foregoing JOINT MOTION TO ENTER CONSENT DECREES with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Sheila Baynes, Anthony J. Gaspich, and Emma Pokon.

Dated: October 11, 2019

s/ Jeremy C. Lieb

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